

ORDINANCE NO. 2004-34-CM

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA, TO REZONE CERTAIN REAL ESTATE, FROM AW TO PDRS

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF TIPPECANOE, INDIANA:

Section 1. The Unified Zoning Ordinance of Tippecanoe County Indiana, being a separate ordinance and not part of a unified county code is hereby amended to rezone the following described real estate situated in Perry Township, Tippecanoe County, Indiana, to wit:

ATTACHED EXHIBIT "A"

Section 2. The real estate described above should be and the same is hereby rezoned from AW to PDRS

Section 3. This ordinance shall be in full force and effect from and after its passage.

Adopted and passed by the Board of Commissioners of Tippecanoe County, Indiana, this 4<sup>th</sup> day of October, 2004.

**VOTE:**

Yes

\_\_\_\_\_  
Ruth E. Shedd, President

Yes

\_\_\_\_\_  
John L. Knochel, Vice President

Yes

\_\_\_\_\_  
KD Benson, Member

**ATTEST:**

\_\_\_\_\_  
Robert A. Plantenga, Auditor

**EXHIBIT "A"**

**Description (67.678 Acres +/-)**

Part of the real estate conveyed to R. Gregg Sutter in Deed Record 93-03251 and being part of the Southwest Quarter of Section 34, and part of the Northeast Quarter of Section 33, all in Township 23 North, Range 3 West, Perry Township, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter being marked by a Berntsen Monument; Thence North 00°18'41" West, along the West line of the Southwest Quarter, and approximate centerline of County Road 800 East, a distance of 1052.99 feet to a railroad spike and the Point of Beginning of this description; Thence continuing North 00°18'41" West, along the West line of the Southwest Quarter and approximate centerline of County Road 800 East, a distance of 277.29 feet; Thence South 87°01'02" West, along the North line of a tract conveyed to Merle L. and Carolyn K. Gick in Deed Record 9707895, a distance of 54.87 feet; Thence North 29°37'21" West, along the East line of a tract conveyed to Christopher L. and Rachel N. Brandenburg in Deed Record 9807656, a distance of 625.02 feet; Thence North 14°06'31" West, along the East line of Brandenburg, a distance of 92.73 feet; Thence North 16°11'46" East, along the East line of Brandenburg, a distance of 161.45 feet; Thence North 8°30'06" East, along the South line of a tract conveyed to Greg R. and Pamela S. Stiles in Deed Record 00017963, a distance of 113.37 feet; Thence South 68°57'40" East, along the South line of Stiles, a distance of 98.23 feet; Thence South 7°13'45" East, along the South line of Stiles, a distance of 136.94 feet to the West line of the Southwest Quarter of Section 34; Thence North 62°42'02" East, along the South line of Stiles, a distance of 102.14 feet; Thence South 87°00'07" East, along the South line of Stiles and part of the West line of a tract conveyed to John A. and Judith B. Christian in Deed Record 0006808, a distance of 42.11 feet; Thence South

15°59'10" East, along the West line of Christian, a distance of 112.79 feet; Thence South 31°29'12" West, along the West line of Christian, a distance of 85.44 feet; Thence South 40°10'53" East, along the West line of Christian, a distance of 82.46 feet; Thence South 89°55'06" East, along the South line of Christian, a distance of 98.02 feet; Thence North 42°22'51" East, along the South line of Christian, a distance of 132.27 feet; Thence North 76°52'55" East, along the South line of Christian, a distance of 62.37 feet; Thence South 77°20'18" East, along the South line of Christian, a distance of 96.77 feet; Thence North 82°34'20" East, along the South line of Christian, a distance of 72.44 feet to the Southeast corner of Christian; Thence North 39°18'59" West, along the East line of Christian, a distance of 504.49 feet to a non-tangent curve concaved to the Northwest; Thence Northeasterly, along said non-tangent curve being along the East line of the tract conveyed to Steve A. and Gail A. Rector in Deed Record 9411019, said curve having a radius of 236.93 feet, interior angle of 46°06'50", a chord length of 185.58 feet which bears North 31°59'24" East, and an arc length of 190.69 feet; Thence North 08°55'58" East, along the East line of Rector, a distance of 150.47 feet to the North line of the Southwest Quarter, Thence North 89°49'24" East, along the North line of the Southwest Quarter, a distance of 123.29 feet to the Northwest corner of the tract conveyed to LeGrand L. III and Deborah L. Clark in Deed Record 9715615; Thence South 06°34'08" West, along the West line of Clark, a distance of 191.34 feet; Thence South 22°19'40" East, along the West line of Clark, a distance of 112.50 feet; Thence South 33°56'19" East, along the West line of Clark, a distance of 351.95 feet to the Southwest corner of Clark; Thence North 62°20'51" East, along the Southeasterly line of Clark, a distance of 98.67 feet; Thence North 28°27'05" East, along the Southeasterly line of Clark, a distance of 137.93 feet; Thence North 78°33'31" West, along the Easterly line of Clark, a distance of 138.29 feet; Thence North 26°55'18" East, along the Easterly line of Clark and Southerly line of a tract conveyed to Leslie A. Sallee in Deed Record 04012097, a distance of 159.71 feet; Thence South 88°30'30" East, along the South line of Sallee, a distance of 111.11 feet; Thence South 30°57'01" East, along the South line of Sallee and Westerly line of a tract conveyed to Robert W. and Marlene J. Bibby in Deed Record 00028046, a distance of 284.00 feet to the Southwest corner of Bibby; Thence North 70°57'45" East, along the South line of Bibby, a distance of 101.53 feet; Thence North 75°58'48" East, along the South line of Bibby, a distance of 138.51 feet to the Southeast corner of Bibby; Thence North 16°21'35" East, along the East line of Bibby, a distance of 36.69 feet to the Southwest corner of a tract conveyed to Kent Alan and Tina Dawn Wert in Deed Record 03046498; Thence North 82°29'37" East, along the South line of Wert, a distance of 80.51 feet; Thence South 25°38'35" East, along the South line of Wert, a distance of 127.53 feet; Thence North 73°43'36" East, along the South line of Wert, a distance of 72.53 feet; Thence North 00°40'30" East, along the South line of Wert, a distance of 65.03 feet; Thence North 64°41'05" East, along the South line of Wert, a distance of 43.86 feet to the Southeast corner of Wert; Thence North 01°02'27" East, along the East line of Wert, a distance of 99.42 feet; Thence North 03°45'03" West, along the East line of Wert, a distance of 96.06 feet; Thence South 89°50'39" West, along the East line of Wert, a distance of 19.65 feet; Thence North 04°13'19" West, along the East line of Wert, a distance of 202.63 feet to the North line of the Southwest Quarter; Thence North 89°49'24" East, along the North line of the Southwest Quarter, a distance of 87.52 feet; Thence South 32°21'41" East, along the West line of a tract conveyed to Gary L. and Virginia L. Strup in Deed Record 02033837, a distance of 224.91 feet; Thence South 05°07'02" West, along the West line of Strup, a distance of 124.11 feet; Thence South 10°40'41" East, along the West line of Strup, a distance of 86.67 feet to a point on the West line of a tract conveyed to Thomas H. and Elizabeth A. McGhee in Deed Record 00009352; Thence South 58°43'27" West, along the West line of McGhee, a distance of 101.66 feet to the Southwest corner of McGhee; Thence South 58°10'01" East, along the South line of McGhee, a distance of 83.49 feet; Thence North 81°47'15" East, along the South line of McGhee, a distance of 185.43 feet; Thence South 66°10'19" East, along the South line of McGhee, a distance of 170.91 feet; Thence South 86°52'56" East, along the South line of McGhee, a distance of 68.18 feet; Thence North 14°15'46" East, along the South line of McGhee, a distance of 105.77 feet; Thence North 84°49'09" East, along the South line of McGhee, a distance of 56.16 feet to the Southeast corner of McGhee and Southwest corner of a tract conveyed to Michael W. and Retha I. Hunsicker in Deed Record 9519824; Thence South 43°53'06" East, along the South line of Hunsicker, a distance of 110.39 feet; Thence North 61°51'43" East, along the South line of Hunsicker, a distance of 52.77 feet; Thence South 78°51'45" East, along the South line of Hunsicker, a distance of 61.39 feet; Thence North 04°34'19" East, along the South line of Hunsicker, a distance of 111.54 feet; Thence South 74°41'53" East, along the South line of Hunsicker, a distance of 106.32 feet; Thence South 33°44'54" East, along the South line of Hunsicker, a distance of 46.32 feet; Thence North 80°11'15" East, along the South line of Hunsicker, a distance of 90.79 feet to the East line of the Southwest Quarter; Thence South 00°43'31" East, along the East line of the Southwest Quarter, a distance of 1149.88 feet to a 5/8 inch diameter rebar with a plastic cap stamped "RWG 880043", being at the Northeast corner of a tract conveyed to Paul E. and Jane B.

Timperman in Deed Record 03004163; Thence South 89°34'28" West, along the North line of Timperman, a distance of 2628.71 feet to the Point of Beginning, containing 74.520 Acres, more or less.

### **Excepting**

#### **Flood Plain (6.842 Acres +/-)**

Part of the read estate conveyed to R. Gregg Sutter in Deed Record 93-03251 and being part of the Southwest Quarter of Section 34, and part of the Northeast Quarter of Section 33, all in Township 23 North, Range 3 West, Perry Township, Tippecanoe County, Indiana, more particularly described as follows:

Commencing at the Southwest corner of the Southwest Quarter being marked by a Berntsen Monument; Thence North 00°18'41" West, along the West line of the Southwest Quarter, and approximate centerline of County Road 800 East, a distance of 1992.42 feet to the Point of Beginning of this description; Thence South 88°08'13" West, a distance of 14.87 feet; Thence South 59°54'05" West, a distance of 55.43 feet; Thence South 64°26'44" West, a distance of 33.22 feet; Thence North 76°45'45" West, a distance of 34.11 feet; Thence North 78°56'06" West, a distance of 33.50 feet; Thence North 80°23'51" West, a distance of 20.14 feet; Thence South 81°50'03" West, a distance of 24.99 feet; Thence South 89°48'43" West, a distance of 9.14 feet; Thence South 76°19'43" West, a distance of 22.85 feet; Thence South 68°45'39" West, a distance of 31.22 feet; Thence South 54°54'05" West, a distance of 18.50 feet; Thence South 26°26'51" West, a distance of 21.78 feet; Thence North 10°01'26" West, a distance of 85.37 feet; Thence North 14°59'10" West, a distance of 54.25 feet; Thence North 04°24'03" East, a distance of 40.44 feet; Thence North 86°38'10" West, a distance of 27.06 feet; Thence South 14°58'08" West, a distance of 69.60 feet; Thence North 45°00'47" West, a distance of 3.97 feet to the East line of a tract conveyed to Christopher L. and Rachel N. Brandenburg in Deed Record 9807656; Thence North 16°11'46" East, along the East line of Brandenburg, a distance of 88.31 feet; Thence North 82°30'06" East, along the South line of a tract conveyed to Greg R. and Pamela S. Stiles in Deed Record 00017963, a distance of 113.37 feet; Thence South 68°57'40" East, along the South line of Stiles, a distance of 98.23 feet; Thence South 76°13'45" East, along the South line of Stiles, a distance of 136.94 feet to the West line of the Southwest Quarter of Section 34; Thence North 62°42'02" East, along the South line of Stiles, a distance of 102.14 feet; Thence South 87°00'07" East, along the South line of Stiles and part of, the West line of a tract conveyed to John A. and Judith B. Christian in Deed Record 0006808, a distance of 42.11 feet; Thence South 15°59'10" East, along the West line of Christian, a distance of 112.79 feet; Thence South 31°29'12" West, along the West line of Christian, a distance of 85.44 feet; Thence South 40°10'53" East, along the West line of Christian, a distance of 82.46 feet; Thence South 89°55'06" East, along the South line of Christian, a distance of 98.02 feet; Thence North 42°22'51" East, along the South line of Christian, a distance of 132.27 feet; Thence North 76°52'55" East, along the South line of Christian, a distance of 62.37 feet; Thence South 77°20'18" East, along the South line of Christian, a distance of 96.77 feet; Thence North 82°34'20" East, along the South line of Christian, a distance of 72.44 feet to the Southeast corner of Christian; Thence North 39°18'59" West, along the East line of Christian, a distance of 133.98 feet; Thence North 75°00'29" East, a distance of 21.21 feet; Thence North 11°04'05" East, a distance of 21.83 feet; Thence North 61°13'35" East, a distance of 18.22 feet; Thence North 39°55'22" East, a distance of 38.83 feet; Thence North 12°46'07" East, a distance of 24.89 feet; Thence North 24°05'00" East, a distance of 38.52 feet; Thence North 45°07'01" East, a distance of 51.88 feet to the West line of a tract conveyed to LeGrand L. III and Deborah L. Clark in Deed Record 9715615; Thence South 33°56'19" East, along the West line of Clark, a distance of 186.30 feet to the Southwest corner of Clark; Thence North 62°20'51" East, along the Southeasterly line of Clark, a distance of 98.67 feet; Thence North 28°27'05" East, along the Southeasterly line of Clark, a distance of 137.93 feet; Thence North 78°33'31" West, along the Easterly line of Clark, a distance of 138.29 feet; Thence North 26°55'18" East, along the Easterly line of Clark and Southerly line of a tract conveyed to Leslie A. Sallee in Deed Record 04012097, a distance of 146.90 feet. Thence North 60°33'50" East, a distance of 22.51 feet; Thence South 88°30'30" East, along the South line of Sallee, a distance of 91.12 feet. Thence South 72°18'43" East, a distance of 7.89 feet; Thence South 30°57'01" East, along the South line of Sallee and Westerly line of a tract conveyed to Robert W. and Marlene J. Bibby in Deed Record 00028046, a distance of 281.39 feet to the Southwest corner of Bibby; Thence North 70°57'45" East, along the South line of Bibby, a distance of 101.53 feet; Thence North 75°58'48" East, along the South line of Bibby, a distance of 138.51 feet to the Southeast corner of Bibby; Thence North 16°21'35" East, along the East line of Bibby, a distance of 36.69 feet to the Southwest corner of a tract conveyed to Kent Alan and Tina Dawn Wert in Deed Record 03046498; Thence North 82°9'37" East, along the South line of Wert, a distance of 80.51 feet; Thence South 25°38'35" East, along the South

line of Wert, a distance of 127.53 feet; Thence North 73°43'36" East, along the South line of Wert, a distance of 72.53 feet; Thence North 00°40'30" East, along the South line of Wert, a distance of 65.03 feet; Thence North 64°41'05" East, along the South line of Wert, a distance of 43.86 feet to the Southeast corner of Wert; Thence North 01°02'27" East, along the East line of Wert, a distance of 50.88 feet; Thence South 70°42'27" East, a distance of 29.07 feet Thence North 80°02'05" East, a distance of 35.02 feet; Thence South 89°58'57" East, a distance of 32.68 feet; Thence South 84°26'48" East, a distance of 27.18 feet; Thence South 87°04'20" East, a distance of 43.08 feet to the West line of a tract conveyed to Gary L and Virginia L Strup in Deed Record 02033837; Thence South 10°40'41 " East, along the West line of Strup, a distance of 44.46 feet to a point on the West line of a tract conveyed to Thomas H. and Elizabeth A. McGhee in Deed Record 00009352; Thence South 58°43'27" West, along the West line of McGhee, a distance of 101.66 feet to the Southwest corner of McGhee, Thence South 58°10'01" East, along the South line of McGhee, a distance of 83.49 feet; Thence North 81°47'15" East, along the South line of McGhee, a distance of 185.43 feet; Thence South 66°10'19" East, along the South line of McGhee, a distance of 170.91 feet; Thence South 86°52'56" East, along the South line of McGhee, a distance of 68.18 feet; Thence North 14°15'46" East, along the South line of McGhee, a distance of 105.77 feet; Thence North 84°49'09" East, along the South line of McGhee, a distance of 56.16 feet to the Southeast corner of McGhee and Southwest corner of a tract conveyed to Michael W. and Retha I. Hunsicker in Deed Record 9519824; Thence South 43°53'06" East, along the South line of Hunsicker, a distance of 110.39 feet; Thence North 61°51'43" East, along the South line of Hunsicker, a distance of 52.77 feet; Thence South 78°51'45" East, along the South line of Hunsicker, a distance of 61.39 feet; Thence North 04°34'19" East, along the South line of Hunsicker, a distance of 111.54 feet; Thence South 74°41'53" East, along the South line of Hunsicker, a distance of 106.32 feet; Thence South 33°44'54" East, along the South line of Hunsicker, a distance of 46.32 feet; Thence North 80°11'15" East, along the South line of Hunsicker, a distance of 90.79 feet to the East line of the Southwest Quarter; Thence South 00°43'31" East, along the East line of the Southwest Quarter. a distance of 73.22 feet Thence South 55°17'23" West, a distance of 87.19 feet; Thence South 87°01'39" West, a distance of 39.87 feet; Thence South 75°19'37" West, a distance of 70.69 feet; Thence North 84°12'26" West, a distance of 70.84 feet; Thence North 81°49'30" West, a distance of 64.91 feet; Thence South 83°59'49" West, a distance of 125.93 feet; Thence North 69°47'28" West, a distance of 90.00 feet; Thence South 89°04'49" West, a distance of 74.13 feet; Thence South 39°33'32" West, a distance of 29.06 feet; Thence North 06°13'43" West, a distance of 28.60 feet; Thence North 67°18'14" West, a distance of 20.92 feet; Thence South 82°03'17" West, a distance of 38.13 feet; Thence South 68°14'08" West, a distance of 41.02 feet; Thence North 23°12'29" West, a distance of 15.75 feet Thence North 86°55'44" West, a distance of 29.02 feet; Thence South 38°01'21" West, a distance of 44.20 feet; Thence North 35°39'44" West, a distance of 41.09 feet; Thence North 76°09'29" West, a distance of 152.35 feet; Thence South 68°48'38" West, a distance of 18.95 feet; Thence South 62°09'16" West, a distance of 13.81 feet; Thence South 63°57'38" West, a distance of 40.46 feet, Thence South 72°49'47" West, a distance of 51.15 feet; Thence South 18°17'54" West, a distance of 42.90 feet; Thence South 17°19'54" East, a distance of 59.02 feet; Thence North 33°54'30" West, a distance of 39.86 feet, Thence North 14°29'46" West, a distance of 47.52 feet; Thence North 11°00'30" West, a distance of 37.91 feet; Thence North 67°41'34" West, a distance of 37.50 feet Thence North 80°47'13" West, a distance of 29.86 feet; Thence North 78°10'28" West, a distance of 38.79 feet, Thence North 75°00'13" West, a distance of 56.73 feet; Thence North 76°25'21" West, a distance of 45.45 feet; Thence North 88°27'26" West, a distance of 51.63 feet; Thence South 76°31'45" West, a distance of 70.06 feet; Thence South 60°24'31" West, a distance of 91.03 feet; Thence South 66°15'37" West, a distance of 28.25 feet; Thence North 56°03'49" West, a distance of 95.37 feet; Thence North 17°29'15" West a distance of 63 40 feet- Thence South 94°49'09" West a distance of 17 00 feet; Thence South 70°45'37" West a distance of 11.26 feet; Thence North 87°07'21" West, a distance of 9.56 feet; Thence South 67°28'40" West, a distance of 8.12 feet; Thence South 77°44'55" West, a distance of 30.91 feet; Thence South 64°07'34" West, a distance of 44.11 feet; Thence South 15°23'28" West, a distance of 71.70 feet; Thence South 17°12'18" East, a distance of 21.77 feet; Thence North 81°25'09" West, a distance of 21.97 feet; Thence south 73°06'00" West, a distance of 33.88 feet; Thence South 31°17'32" West, a distance of 43.12 feet; Thence South 45°26'15" West, a distance of 49.36 feet; Thence South 81°38'16" West, a distance of 17.77 feet; Thence South 81°34'42" West, a distance of 41.08 feet; Thence South 12°27'05" East, a distance of 5.61 feet; Thence South 01°13'16" West, a distance of 29.03 feet; Thence South 41°10'33" East, a distance of 76.06 feet; Thence South 64°13'23" East, a distance of 32.35 feet; Thence North 89°21'49" West, a distance of 29.46 feet; Thence North 48°21'18" West, a distance of 63.51 feet; Thence North 57°02'03" West, a distance of 47.17 feet; Thence South 25°28'57" West, a distance of 34.56 feet; Thence South 30°45'25" West, a distance of 20.43 feet; Thence south 00°01'42" East, a distance of 52.91 feet; Thence South 48°55'53" West, a distance of 37.02 feet; Thence South 06°10'23" East, a distance of 26.62 feet; Thence South 23°12'29" East, a

distance of 92.63 feet; Thence South 05°00'11" East, a distance of 57.45 feet; Thence North 16°46'11" West, a distance of 62.02 feet; Thence North 32°01'02" West, a distance of 20.25 feet; Thence North 70°01'31" West, a distance of 25.13 feet; Thence North 09°28'00" West, a distance of 26.11 feet; Thence South 72°39'12" West, a distance of 12.00 feet; Thence South 32°01'02" West, a distance of 47.25 feet; Thence North 06°48'44" East, a distance of 48.27 feet; Thence North 27°54'29" East, a distance of 27.52 feet; Thence North 00°52'06" East, a distance of 47.22 feet; Thence North 50°03'19" East, a distance of 34.54 feet; Thence North 90°00'00" East, a distance of 9.30 feet; Thence North 24°56'19" West, a distance of 56.02 feet; Thence North 47°34'28" West, a distance of 21.07 feet; Thence South 68°35'40" West, a distance of 13.97 feet; Thence South 76°21'05" West, a distance of 62.38 feet; Thence South 85°26'18" West, a distance of 90.66 feet; Thence South 45°40'17" West, a distance of 70.61 feet; Thence South 67°00'51" West, a distance of 85.61 feet; Thence North 82°36'53" West, a distance of 125.33 feet; Thence North 31°01'06" West, a distance of 36.06 feet; Thence North 60°20'03" West, a distance of 34.15 feet; Thence North 02°55'59" East, a distance of 80.13 feet; Thence North 71°05'28" West, a distance of 47.40 feet; Thence North 51°58'57" West, a distance of 5.99 feet; Thence North 41°15'33" West, a distance of 6.61 feet; Thence North 62°45'02" West, a distance of 13.10 Feet; Thence North 62°08'13" West, a distance of 38.30 feet; Thence South 09°57'34" West, a distance of 46.43 feet; Thence South 88°08'13" West, a distance of 5.43 Feet to the Point of Beginning, containing 6.842 Acres, more or less.

The Total Area of the above Described Tract after Exceptions is 67.623 Acres more or less.